

Dear Members of the Committee:

The CHRO appears to be following different procedures between handling discrimination complaints filed against businesses and those filed against state agencies, regarding the mediation conference. I filed a discrimination complaint against a state agency. The respondents answered the complaint. The parties received a letter from Paul Gaynor that my complaint had passed the merit assessment review, that an investigator would be assigned and that we'd receive notice of the date of the mandatory mediation conference. Three days later the parties received another letter from Mr. Gaynor stating that "early legal intervention" had been requested and we had 10 days in which to inform principal attorney Charles Krich of whether we preferred that an investigation be conducted, that the case proceed directly to public hearing or a release of jurisdiction. I read the statutes and found that ELI could not be requested before the mandatory mediation conference was held. I emailed Attorney Krich (with cc to respondents and Gaynor) telling him I did not wish to waive my due process rights by requesting ELI before the mandatory mediation conference was held. Mr. Krich emailed the parties and Mr. Gaynor agreeing with me that ELI could not be requested before the MMC. The parties then received a notice of the date of the MMC, stating our duty to attend and that "Counsel and clients with absolute settlement authority must appear." I then got an ex parte email from Yvonne Duncan telling me she was assigned as investigator/mediator. At her request I gave her my settlement demand. She told me I was in the "wrong forum"—that the CHRO didn't have jurisdiction over some of my claims. I asked her which ones and she named them. She and the respondent then sent me excerpts of other cases, telling me the respondents had "sovereign immunity" etc. I felt this was improper because my merit assessment review said it was retaining my entire complaint, said nothing about not having jurisdiction over any of my claims, and the respondent did not file a motion to dismiss any of my claims. The MMC was eventually held (I attended by phone) and was unfruitful. The parties then received a letter from Attorney Krich stating that ELI had been requested and asked for our preference of the type of ELI we preferred. I wrote Mr. Krich, with cc to the respondents, requesting release of jurisdiction from the CHRO (with a right to sue letter). If the respondents replied to Mr. Krich's letter, I did not receive a copy.

Although the law requires that the CHRO notify the parties of their ELI decision within 90 days, almost a year passed before I received its decision—that the case would proceed to a full investigation. Several more months passed and I heard nothing from an investigator. I filed a new complaint, amending my allegations of the first complaint and adding new allegations of discrimination and retaliation against me by the respondents that had occurred in the interim. The complaint was given a new case number. The respondents answered the complaint. In time we received notice that the new complaint passed the merit assessment review and that we would receive notice of the date of the MMC. The time elapsed for when that notice should have been issued.

I then received an ex parte email from CHRO attorney Michelle Dumas-Keuler, informing me that she had been assigned to mediate my complaint and to let her know a date and time within the next 2 weeks that was convenient for me so she could call me to discuss the damages I was seeking. Not having received a notice of the MMC pursuant to law, I was perplexed and asked her whether the phone call would be the actual MMC or rather an ex parte conversation between the two of us. She did not answer the question but called me on the date I suggested. She introduced herself and told me that Attorney Charles Krich was her boss. She then asked me for

my settlement demand. I gave her a figure and I asked her when the MMC would be scheduled. She told me we were presently having it, that she wouldn't expect me to come all the way up to Hartford when I lived practically on the other side of the state (Stamford). I told her the last MMC had been scheduled for Hartford and when I told the CHRO it was difficult for me to travel there (both the respondents and I told Mr. Krich we could make Bridgeport), it was then rescheduled for a phone hearing (though my impression was that the respondents, located in Hartford, had been physically present with the mediator.) Ms. Dumas-Keuler then changed her tune and said she always handled all her MMCs that way—by ex parte communications with the parties by phone. We covered nothing more than the amount of my settlement demand.

A few weeks later Ms. Dumas-Keuler left a message on my answering machine, that she'd like to talk to me about “the conversation we had a few weeks ago” (she didn't refer to it as a mediation conference). She asked that I call her back within the hour because she was leaving on vacation after that. I wasn't able to call her then but did call her when she said she'd return from vacation. She told me that the respondents would not make a counter-offer and my complaint would proceed to investigation. That was the extent of it. I asked again when I would receive notice of the MMC. She said that our phone conversations were the MMC. I told her that was not a conference and that I hadn't received notice of the MMC as required by law. She told me she had done “thousands of mediation conferences that way.” She said I should contact Charles Krich if I had questions.

I wrote Attorney Krich about the absence of a notice of MMC and about my email and phone communications from Attorney Dumas-Keuler. I also told him that I had amended my complaint to name another respondent, and the CHRO had not served it on the respondents as required by law. I also asked him for a copy of the respondents' reply to his request for their option of ELI in my first complaint. Mr. Krich did not reply to my letter. After two weeks I followed up with another letter, in which I quoted the following comments from Attorney Daniel Schwartz' (of Shipman & Goodwin) website “CT Employment Law blog” on 9/25/15 re the “mandatoriness” of mandatory mediation conferences:

“...That has taken up huge amounts of time both for the agency and for employers who suddenly find themselves having to attend a mediation for cases that don't deserve to settled at all. Sometimes, employers even have to travel from Fairfield County to Hartford for the mediation.

This is particularly troublesome for cities, towns and school districts who have limited budgets to which to defend themselves.

Mediators say that they are required to hold these mediations too, even when the demands by the employee (or the offers by the employer) before the mediation make it plain that the mediation will be an utter waste of time...”

I told Mr. Krich that I believed Ms. Dumas-Keuler had conspired with others to deceive me regarding the elimination of the MMC in my case and deprive me of my due process rights. That Mr. Krich has not answered either of my letters implicates him, either in a cover-up or in

directing Ms. Dumas-Keuler to attempt to deceive me that her ex parte communications with me constituted the mandatory mediation conference.

I understand that the business community objects to being pressured by the CHRO to attend MMCs and settle cases without the opportunity to investigate the claims. The business community may be interested to know that the CHRO treats respondents in state government differently from respondents in the business community (or perhaps even in municipalities.) I have no faith that the “investigation” the CHRO may conduct in my case—if they ever get around to starting it—will be impartial. I believe the CHRO, an agency established for the protection of civil rights, deprived me of my rights to due process, and that it should be investigated for cronyism and corruption. I can provide copies of the emails referred to and Ms. Dumas-Keuler's recording from my answering machine.

Because of my disabilities I won't be able to drive to Hartford to testify in person for this hearing.

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